



## Report to the Auburn City Council

Action Item  
Agenda Item No. **5**

City Manager's Approval  
*[Signature]*

**To:** Mayor and City Council Members  
**From:** Lance E. Lowe, AICP, Associate Planner *[Signature]*  
**Date:** January 14, 2013  
**Subject:** Second Reading of An Ordinance Amending the Auburn Municipal Code by Adding Chapter *159.176 et. seq.* to Regulate Mobile Food Vending on Private Property

### The Issue

Should the City Council Adopt a Second Reading of an Ordinance Amending the Auburn Municipal Code by Adding Chapter *159.176 et. seq.* to Regulate Mobile Food Vending on Private Property?

### Conclusions and Recommendation

Staff recommends that the City Council take the following actions:

1. Hold a Second Reading, by Title only, of an Ordinance Amending the Auburn Municipal Code by Adding Chapter *159.176 et. seq.* to Regulate Mobile Food Vending on Private Property; and,
2. Direct Staff to Initiate Proceedings to Amend the Levy of Assessments for the Downtown Business Improvement District (BID) to include Mobile Food Vending.

### Background

On December 3, 2012, the City Council considered the second reading of the Mobile Food Vending Ordinance and alternatively amended the ordinance and adopted a first reading (**Attachment 1 – Draft City Council Minutes dated December 3, 2012**). The amendments adopted by the Council were twofold: First, the prohibited historic areas map was revised to apply to a smaller area than the Historic Design Review District (**Attachment 2 – Adopted Prohibited Mobile Food Vending, Private Property Map**); and, 2) Mobile Food Vendors shall be subject to Business Improvement District (BID) fees. With respect to the BID assessments, upon direction by the City Council, staff will initiate proceedings to amend the levy of assessments for the Old Town & Downtown BID during the annual update at the beginning of the calendar year.

The revised Mobile Food Vending Ordinance is attached herewith as **Exhibit A of Attachment 3 – Mobile Food Vending Ordinance as Amended by City Council on December 3, 2012**). (**Bold text** represents added text and ~~strike-out text~~ represents text to be deleted).

A Second Reading is required to finalize the processing of the ordinance. Should the City Council decide to adopt the Second Reading of the Mobile Food Vending Ordinance on January 14, 2013, the Ordinance will become effective thirty (30) days thereafter.

### **Project Description**

The Mobile Food Vender Ordinance (§159.176 *et. seq.*) adds new provisions to the Auburn Municipal Code thereby codifying regulations for Mobile Food Vendors, on private property. As adopted by the City Council, the Mobile Food Vending Ordinance contains the following provisions:

- Mobile food vendors would be prohibited in the Old Town and Downtown Historic District areas pursuant to Section 159.176.040 (**Attachment 2 – Adopted Prohibited Mobile Food Vending, Private Property Map**);
- Mobile Food Vendors shall be subject to the City's Old Town & Downtown Business Improvement District (BID) assessments, if conducting business within either district;
- Mobile food vendors are required to provide State Board of Equalization (SBE) documentation prior to issuance of a business license (§159.176.050);
- Except for construction sites, the area serving the mobile food vendor shall, at a minimum, be gravel (§159.176.060);
- Mobile food vendors would be required to obtain approval of a Use Permit in the zone districts identified in §159.176.040 by the Planning Commission subject to the performance standards in §159.176.070;
- Mobile food vendors may operate at one location up to 2 hours (§159.176.070 (I));
- Signage shall be displayed: "Please do not use bathroom of adjacent business unless patronizing business" (§159.176.070 (J));
- Only one mobile food vendor shall be allowed per parcel (§159.176.070 (K)); and,
- Exemptions for mobile food vendors are provided for parades, marches, assemblages, film permits and construction sites (§159.176.090 (A & B)).

### **Alternatives Available to Council; Implications of Alternatives**

- A. Hold a Second Reading and adopt Ordinance as presented;
- B. Deny the Second Reading; or,
- C. Amend the Ordinance and Introduce and hold a first reading, by title only, as amended.

**Fiscal Impacts**

Additional costs associated with staff time to implement a new Mobile Food Vending Ordinance are anticipated; however, the proposed ordinance and fee schedule provide for the collection of fees from perspective applicants. It is anticipated that the additional costs will partially be recovered, based upon the updated fee schedule.

The staff costs incurred for the preparation of the draft ordinance, in consultation with the City Attorney, have been budgeted.

**Additional Information**

Please see the following attachments for more details:

**ATTACHMENTS –**

1. Draft City Council Minutes dated December 3, 2012
2. Adopted City of Auburn Historic Areas Map where Mobile Food Vending is Prohibited
3. Ordinance No. 12-\_\_\_\_\_ with Attached Mobile Food Vending Ordinance

**EXHIBITS ON FILE WITH THE CITY CLERK AND  
PROVIDED TO CITY COUNCIL PREVIOUSLY UNDER SEPARATE COVER**

**EXHIBITS –**

- A. October 22, 2012 City Council Staff Report with Attachments and Exhibits
- B. November 19, 2012, City Council Staff Report with Attachments & Exhibits
- C. December 3, 2012, City Council Staff Report with Attachments & Exhibits



# ATTACHMENTS

**CITY COUNCIL MINUTES**

**December 3, 2012**

**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, December 3, 2012 at 6:00 p.m. with Mayor Hanley presiding and Deputy City Clerk Amy M. Lind recording the minutes.

**CALL TO ORDER** at 5:30 p.m.

**ROLL CALL:**

**Council Members Present:** Keith Nesbitt, J. M. "Mike" Holmes, William W. Kirby, Bridget Powers, Kevin Hanley

**Council Members Absent:** none

**Staff Members Present:** City Attorney Michael Colantuono, Community Development Director Will Wong, Associate Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Transit Analyst Megan Siren, Administrative Services Director Andy Heath and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54956.9

**MOTION: Powers/ Holmes/ Unanimously approved by voice**

**1. Conference with Legal Counsel:**

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

Existing Litigation:  
(G.C. § 54956.9(a))

Name of Case: *City of Auburn v. Sierra Patient and Caregiver Exchange, Inc. et al.*

Names of Parties: Plaintiff and Respondent – City of Auburn; Defendants and Appellants – Sierra Patient and Caregiver Exchange, Inc. and Richard Miller

By **RESOLUTION 12-127**, authorize the Director of Public Works to record a Notice of Completion for Simpson & Simpson, Inc. for the Multimodal Park and Ride Lot Paving Project.

4. **Auburn Municipal Airport – Construct Apron Lighting, Pavement Marking and Airfield Signage - Award**

By **RESOLUTION 12-128**, authorize the Director of Public Works to execute a construction contract with Vellutini Corporation (DBA Royal Electric) for the Auburn Municipal Airport Project A.I.P. 3-06-0012-11 – Construct Apron Lighting, Pavement Marking and Airfield Signage Project in an amount not to exceed \$94,548.30.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar excluding item 1.

**MOTION: Nesbitt/ Powers/ Approved 5:0**

4a. **Appointment of Planning Commissioner**

Council Member Nesbitt said he would like to recognize Alan Young, his outgoing Planning Commissioner. He also introduced Roger Luebkehan, his new appointment to the Planning Commission.

Alan Young, outgoing Planning Commissioner, spoke about his time on the Planning Commission. He thanked staff and his fellow commissioners.

The Council Members then thanked Mr. Young for his hard work on the Planning Commission.

By **RESOLUTION 12-129**, appoint Roger Luebkehan to the Planning Commission.

**MOTION: Holmes/ Powers/ Approved 5:0**

5. **Public Comment**

The Council Members congratulated with Public Works Department on the hard work preparing for the storm that came through last weekend. They said they did an outstanding job proactively reducing the damage from the storm.

**PUBLIC HEARING**

6. **Mobile Food Vending on Private Property**

Associate Planner Lance Lowe presented this item. He reviewed the changes made to the ordinance since it was originally proposed. He said mobile food vendors would be prohibited in Old Town and Downtown, required to provide State Board of Equalization documents before obtaining a business license, requirement of gravel sites, use permit approvals, 2 hour time limit, restricted use of adjacent restrooms, one vendor per parcel and exceptions provided for parades, marches, assemblages and construction sites.

Council Member Kirby asked for a map showing the actual boundary difference between the "Historic Design Review District" and the "Historic Downtown and Old Town Districts".

Lance Lowe presented a map which shows the districts' boundaries (in file).

Mayor Hanley asked about the difference between the two historic districts.

Lance Lowe explained that the Old Town Historic District is a district that is on the national register. He said the design review district includes the same district with an additional periphery area.

Bob Snyder, resident of Auburn, said he is speaking on behalf of a voice not heard in Auburn, of young entrepreneurs. He said the action taken during the last discussion eliminated mobile food vending in Downtown unfairly. He said it is not the City Council's job to protect the brick and mortar businesses. He said a prohibition of this type of business goes too far.

Council Member Powers said she would like to see the smaller Downtown and Old Town Historic Districts be the prohibited areas. She said she would like to discuss including the Business Improvement District (BID) fees if applicable. She stressed the importance of a level playing field.

Council Member Kirby said if someone chooses not to be in attendance, their voices should not be expected to be heard (referencing previous public comment). He said mobile food vending is inappropriate in the historic districts. He said business will go where it is best served. He said he agrees that if a BID is involved, it should be part of the permit fee. He said it is not the Council's responsibility to level the playing field.

Council Member Holmes said although he disagrees with staff regarding the historic designations, he still supports the previous vote with the historic design review district map being used as the prohibited area.

Council Member Nesbitt said he would like to see a hybrid between the two maps because neither addresses all of his concerns.

Council Member Kirby asked about a possible compromise of excluded areas in these two districts.

Mayor Hanley said he disagrees with the public comment regarding Council being unaware of the difference of the districts on the map. He spoke about keeping healthy business communities, restricting historical districts, requiring BID fees, and adding a 100 yard distance requirement to brick and mortar businesses.

Council Member Kirby described the map and the 100 yard distance restriction and what it would mean for Downtown.

Council Member Nesbitt made a MOTION, to use OTBA/Downtown historic districts as prohibited areas, apply BID fees, and implement the 100 yard distance from any Brick and Mortar restaurant requirement.  
MOTION: Nesbitt/ Hanley/ motion withdrawn by Council Member Nesbitt.

City Attorney Michael Colantuono clarified how the 100 yard distance requirement would be determined. He said this could not be regulated in the public property section of the ordinance, only private property.

Community Development Director Will Wong spoke about the existing maps and the possibility of altering the excluded areas.

Council Member Kirby clarified how the 100 yard distance requirement would work.

Council Member Powers made a MOTION, to limit mobile food vending from operating in the OTBA/Downtown Historic Districts and apply BID fees if applicable.  
MOTION: Powers/ Hanley/ defeated 2:3 (Holmes, Kirby, Nesbitt voted no)

Council Member Powers clarified that this ordinance regulates private land, in which the owner has to give permission to the food truck operator. She said this could always be discussed again in the future, and that trucks are only going to go to areas that are profitable to them.

Council Member Holmes said the Old Town District was designated through the national historic register; he said he does not know how the Downtown District became designated. He said he is concerned about mobile food vendors being allowed in these historic areas and the



enforcement of BID fees. He said he would like to put this item off to a future time where there could be an "equitable understanding."

Council Member Nesbitt said a hybrid map would need to be created to encompass significant properties.

Council Member Kirby asked about the permitting process.

Will Wong explained the BID fee and when it would be applicable.

Council Member Kirby made a MOTION, to limit mobile food vending from operating in the OTBA/Downtown Historic Districts, apply BID fees if applicable, and require a 100 yard distance from any restaurant. The motion was not seconded.

Discussion followed regarding the perimeters of the map to be used for the restricted area to protect historic districts.

Council Member Nesbitt suggested the Historic District Map be revised to include College/Oakwood/ Lincoln/ High St triangle extended to Harrison Avenue.

Council Member Kirby said with the revised map, the 100 yard distance requirement would no longer be necessary.

Council Member Holmes said he would still like to create a different map and come back at a future time.

Mayor Hanley said he agrees with the new map drawn. He said it makes a lot of "common sense."

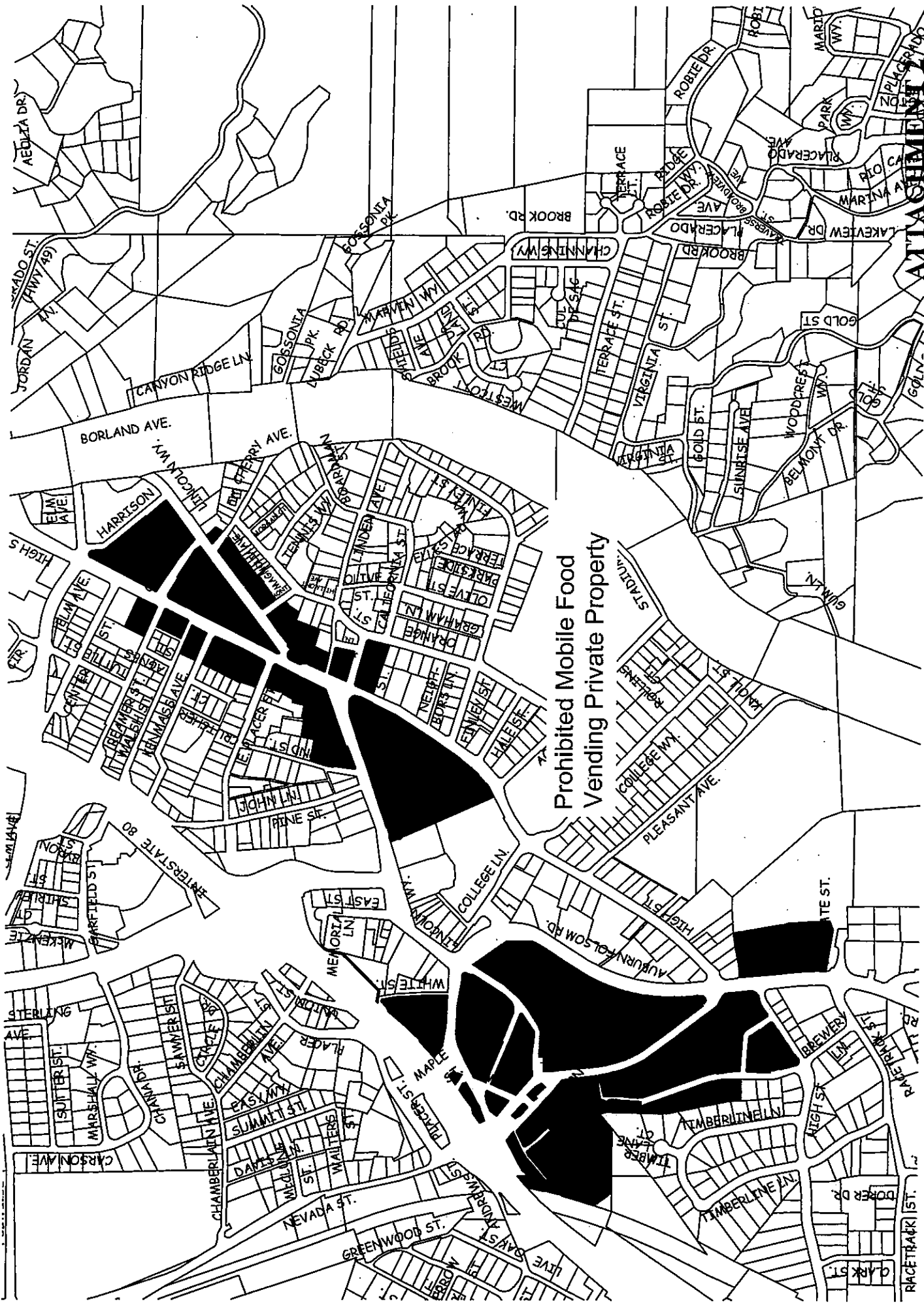
Further clarification occurred between Council and Staff about the boundaries of the new map.

By **MOTION**, hold a first reading of this ordinance to regulate mobile food vending on private property, with the revised map of excluded areas (as Exhibit A, with no distance restrictions) and apply any applicable BID fees.  
**MOTION: Kirby/ Hanley/ Approved 3:2 (Nesbitt and Holmes voted no)**

7. **Amendment of City Ordinance Limiting Liability – First Reading**

Michael Colantuono presented this item. He explained the need for this routine code maintenance amendment.

Mayor Hanley asked for an example of a type of situation where this may apply.



ATTACHMENT 2

ORDINANCE NO. 12-\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN AMENDING  
THE AUBURN MUNICIPAL CODE TO REGULATE MOBILE FOOD VENDING ON  
PRIVATE PROPERTY.

-----

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS

**Section One: Findings.** The City Council of the City of Auburn hereby  
finds:

1. Mobile food vending has the potential to pose special dangers to  
the public health, safety and welfare of residents of the City that are not posed  
by restaurants or food vending from a permanent fixed location.

2. Vending vehicles parked in one location for more than two hours at  
a time exacerbate existing traffic problems in congested areas and obstruct  
sidewalks. There is an additional safety risk for pedestrians who may cross  
public roadways attempting to access the vendors.

3. Mobile food vendors who fail to park their vending vehicles  
correctly during a transaction may attract prospective buyers onto public  
roadways, creating additional traffic and public safety hazards.

4. Narrow streets, limited off street parking and crowded sidewalks,  
and the related safety hazards identified above are all especially severe in the  
Historic Design Review District. Allowing mobile food vendors in that area of  
the City would pose an unacceptable threat to public health and safety, and  
would additionally be detrimental to the density, aesthetic, and cultural  
concerns of the City.

1           5.     With proper regulation, mobile food vendors can provide additional  
2 food choices for Auburn residents and visitors.

3  
4           6.     The City has an important and substantial public interest in  
5 providing regulations to prevent safety, traffic, and health hazards, as well as  
6 to preserve the peace, safety, and welfare of the community.

7           7.     In accordance with the California Environmental Quality Act the  
8 Mobile Food Vending Ordinance is determined to be Categorically Exempt from  
9 the provisions of CEQA per Section 15311 (Accessory Structures) and Section  
10 15304(e) (Minor Alterations to Land) of the GEQA Guidelines.

11  
12           **Section Two: Code Amendments.**

13           1. Chapter 159.176 is hereby added to the Auburn Municipal Code in the  
14 form attached hereto as ***Exhibit A.***

15  
16           **Section Three: Effective Date.** This Ordinance shall take effect thirty  
17 days following its adoption as provided by Government Code Section 36937.

18           **Section Four: Severability.** Should any provision, section, paragraph,  
19 sentence or word of this Ordinance be rendered or declared invalid by any  
20 court of competent jurisdiction or by reason of any preemptive legislation, the  
21 remaining provisions, sections, paragraphs, sentences or words of this  
22 Ordinance shall remain in full force and effect.

23  
24           **Section Five: Certification.** The City Clerk shall certify to the passage  
25 and adoption of this Ordinance and shall give notice of its adoption as required  
26 by law.

1 DATED: January 14, 2013

2

3

4

ATTEST:

Kevin Hanley, Mayor

5

Stephanie L. Snyder, City Clerk

6

7

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify  
that the foregoing ordinance was duly passed at a regular meeting of the City  
Council of the City of Auburn held on the 14th day of January 2013 by the  
following vote on roll call:

8

9

10

Ayes:

11

Noes:

12

Absent:

13

Stephanie L. Snyder, City Clerk

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**Chapter 159.176**

**MOBILE FOOD VENDORS**

- Section 159.176.010 Findings.**
- Section 159.176.020 Applicability.**
- Section 159.176.030 Definitions.**
- Section 159.176.040 Zoning and Prohibited Locations.**
- Section 159.176.050 Permit and License Required.**
- Section 159.176.060 Parking.**
- Section 159.176.070 Sales from Vending Vehicles.**
- Section 159.176.080 Reserved.**
- Section 159.176.090 Exception.**
- Section 159.176.100 Severability.**

**Section 159.176.010 Findings.**

The City Council finds as follows:

- A. Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City that are not posed by restaurants or food vending from a permanent fixed location.
- B. Mobile food vendors who fail to park their vending vehicles correctly may block access to property by the public, or interfere with the regular flow of traffic. Improper parking may also interfere with emergency response personnel or other necessary public services.
- C. Narrow streets, limited on-street parking, crowded sidewalks, and the related safety hazards identified above are all especially severe in the Historic Design Review District of Auburn. Allowing mobile food vendors in those areas of the City would pose an unacceptable threat to public health and safety, and would additionally be detrimental to the density, aesthetic, and cultural concerns of the City as described in Title XV of this Code.
- D. The City has an important and substantial public interest in providing regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community.
- E. With proper regulation, Mobile Food Vendors can provide additional food choices for Auburn residents and visitors.

**Section 159.176.020 *Applicability.***

The Mobile Food Vending provisions 159.176 et. seq. shall apply to mobile food vending on private property regulated by the Zoning Ordinance of the Auburn Municipal Code. Mobile Food Vending being conducted in the Public Right of Way is regulated pursuant

to Section 72.31 et. seq.

**Section 159.176.0380 Definitions.**

For the purposes of this chapter, the following phrases shall have the meaning respectively ascribed to them by this section:

- A. "Food" or "foodstuff" means and refer to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- B. "Food preparation" means and refers to packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as set forth by Section 113791 of the California Health and Safety Code.
- C. "Mobile food merchant" means and refers to any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- D. "Mobile food vending" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.
- E. "Vending operations" means and refers to the sale, display, solicitation, offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- F. "Vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.

**Section 159.176.040 Zoning and Prohibited Locations.**

- A. Mobile food vendors may be located on property with the following zoning designations:
  - 1. Neighborhood Commercial (C-1)
  - 2. Central Business (C-2)
  - 3. Regional Commercial (C-3)
  - 4. Office Building (OB)
  - 5. Industrial Park (M-1)
  - 6. Industrial (M-2)
  - 7. Light Manufacturing (M-L)
  - 8. Airport Industrial (AI-DC)

- B. Notwithstanding paragraph A of this section, no mobile food vending vehicle may operate in the ~~Old Town Historic Design Review Districts described in section 159.493 of this Code.~~ District areas as illustrated on a map entitled **"Prohibited Mobile Food Vending, Private Property"** maintained by the Community Development Department. The map may be amended by resolution of the City Council.
- C. Mobile food vending operations may be located on vacant property.

#### **Section 159.176.050 Permit and License Required.**

- A. **Use Permit.** A mobile food merchant must obtain a use permit prior to commencing vending operations.
- B. **Business License.** A mobile food merchant must obtain a business license prior to commencing vending operations.
- C. ***Old Town & Downtown Business Improvement District (BID) Taxes.*** A mobile food merchant shall be subject to the City's Old Town & Downtown Business Improvement District (BID) Assessments, if conducting business within either district.
- D. **State Board of Equalization (SBE) Documentation.** A mobile food vendor shall provide a copy of their resale certificate number demonstrating registration and Use Tax payment (county pool) information received from SBE for their Mobile Food Vendor businesses.
- E. **Display.** All vending vehicles shall have displayed in a conspicuous place any permits required by this ordinance, or any other applicable law.

#### **Section 159.176.060 Parking.**

- A. A vending vehicle may not park for purposes of vending operations in such a way as to interfere with required parking for existing uses on the site.
- B. The area serving the mobile food vending operations shall, at a minimum, consist of gravel, except for construction sites.

#### **Section 159.176.070 Sales from Vending Vehicles.**

- A. Vending vehicles must be brought to a complete stop and be lawfully parked prior to initiating vending operations.
- B. The vending vehicle, signage, tables, and any other objects that are used for vending operations may not be placed so as to interfere with or obstruct access to the site for vehicles or pedestrians. The vehicle and all equipment associated with vending operations shall be positioned in such a way as to ensure safe ingress and egress of patrons and other members of the public to the site.
- C. A mobile food vendor shall not serve customers adjacent to a public sidewalk under circumstances where the vendor, his equipment, and his customers



obstruct passage of the public sidewalk, paths, stairs, walkways, or doorways for all users, including those with mobility disabilities.

- D. No signs may be placed in the sidewalk, street, parking spaces, or public right of way.
- E. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.
- F. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area where mobile food vending is occurring.
- G. A vending vehicle must be parked so as to comply with Health & Safety Code section 114315.
- H. A vending vehicle shall be fully self contained including, but not limited to: mechanical holding units, gas or electric cooking equipment, water tank and hand sinks.
- I. Mobile food vendors may operate at one location for up to 2 hours in each 24 hour period.
- J. Mobile food vendors shall display a sign which states: "Please do not use bathroom of adjacent businesses unless patronizing business."
- K. Only one Mobile Food Vendor shall be allowed per parcel or site.

**Section 159.176.080 Reserved.**

**Section 159.176.090 Exceptions.**

- A. Any mobile food merchant identified in an application for parades, marches, and assemblages or outdoor festivals, submitted pursuant to Chapter 91 and Chapter 92 respectively of this Code or a Film Permit or any other City sponsored or approved event shall be exempt from the requirements of this Chapter pertaining to mobile food vending, provided that all of the following conditions are met:
  - 1. The vending vehicle is parked no longer than the duration of the special event to conduct its business.
  - 2. The vending vehicle is parked so as to comply with Health & Safety Code section 114315.
  - 3. A City of Auburn Business License has been obtained prior to operation.
- B. Any mobile food merchant serving a construction site shall be exempt from obtaining a use permit provided that all of the following conditions are met:

1. Vending vehicles must be brought to a complete stop prior to initiating vending operations.
2. The vending vehicle, signage, tables, and any other objects that are used for vending operations may not be placed so as to interfere with or obstruct access to the site for vehicles or pedestrians. The vehicle and all equipment associated with vending operations shall be positioned in such a way as to ensure safe ingress and egress of patrons and other members of the public to the site.
3. A mobile food vendor shall not serve customers adjacent to a public sidewalk under circumstances where the vendor, his equipment, and his customers obstruct passage of the public sidewalk, paths, stairs, walkways, or doorways for all users, including those with mobility disabilities.
4. No signs may be placed in the sidewalk, street, parking spaces, or public right of way.
5. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.
6. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area where mobile food vending is occurring.
7. A vending vehicle must be parked so as to comply with Health & Safety Code section 114315.
8. A vending vehicle shall be fully self-contained including, but not limited to: mechanical holding units, gas or electric cooking equipment, water tank and hand sinks.
9. Mobile food vendors may operate at one location for up to 2 hours in each 24 hour period.
10. A City of Auburn Business License has been obtained prior to operation.

**Section 159.176.100 Severability.**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Auburn hereby declares that it would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Section be declared invalid or unenforceable and, to that end, the provisions of this Section are severable.

# EXHIBITS

ON FILE WITH THE CITY CLERK AND  
PROVIDED TO CITY COUNCIL UNDER  
SEPARATE COVER



(Page intentionally blank)